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February 14, 1985

Joseph J. C. Donovan, Esquire
Office of Regional Counsel
U.S. Environmental Protection Agency
Region III
The Curtis Building
6th and Walnut Streets
Philadelphia, Pa. 19106

Re: U.S.A. v. Franklin P. Tyson, et al.
Civil Action No. 84-2663

Dear Mr. Donovan:

We are in receipt of the E.P.A. Record of Decision in the above matter.

General Devices, Inc. for the reasons set forth below declines to undertake the remedial actions identified in the Record of Decision.

1. The cost of the remedial action, as identified in the Record of Decision, alone, exceeds the net worth of General Devices by an approximate factor of six times.

2. The lesser cost involved in the Alternative proposed by Ciba-Geigy, substantially exceeds the net worth of General Devices.

3. In no case would General Devices have the cash flow to attempt to clean up the site.

4. General Devices is not an owner or operator of the site as records clearly indicate and which are in your possession. Its responsibility, if any, is purely as a passive owner which obtained title to the site years after all dumping ceased.

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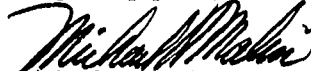
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5. It is General Devices present intention not to contest the remedial actions set forth in the Record of Decision, but to seek to obtain from the responsible parties, i.e. the generators, any costs which are assessed against it.

There is no windfall involved in this clean-up for General Devices. The site is carried on its books at \$66,000, its initial cost and in no event could its outside value, even after the clean-up, exceed \$250,000.

In view of the facts as known to the Government, General Devices is willing to consider negotiating for the sale of this property to the U.S Government, but would have to receive a complete joint tort feaseor release from the Government in any such transaction.

Very truly yours,



Michael H. Malin
For White and Williams

MHM/ekd

cc: Mr. Bruce Smith
Michael L. Martinez, Esquire
Mr. Theodore A. Raymond
James E. Meneses, Esquire

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